

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTH DAY — TUESDAY, JANUARY 23, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 7).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Craddick.

Absent — George.

The invocation was offered by Reverend David Alwine, pastor, Christ Episcopal Church, Temple, as follows:

Almighty God, our heavenly Father, the fountain of all wisdom, the wellspring of all truth, you govern the world by your good and gracious will.

We beseech you to guide and bless this assembly of the legislature of the State of Texas. Fill them with a love for righteousness and justice. Make them ever mindful of their calling to serve this people in your fear. Instruct them to enact such laws as shall please you. Instill in their hearts a spirit of courage and understanding and foresight.

Finally, O Lord, grant to all here gathered, and to all whom they lead, a zeal for our freedoms and a grasp of our responsibilities; that we may serve you faithfully in our generation, and honor your holy name. For yours is the kingdom, O Lord, and you are exalted as king above all. Amen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 2).

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Love Paul of Victoria as the "Doctor for the Day."

The house welcomed Dr. Paul and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**HCR 7 - ADOPTED
(by Craddick)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HCR 7**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 7, Honoring St. Ann's School in Midland on its 50th anniversary.

HCR 7 was read and was adopted without objection.

**HR 89 - ADOPTED
(by Kuempel)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 89**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 89, Honoring Sam Flores on the occasion of his retirement from the Seguin City Council.

HR 89 was adopted without objection.

**HR 90 - ADOPTED
(by Kuempel)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 90**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 90, Honoring Allen and LeiAnn Grimm on the birth of their son, Scott Allen Grimm.

HR 90 was adopted without objection.

**HR 28 - ADOPTED
(by Yarbrough)**

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 28**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 28, Honoring Nannie Lee Houston Moham on her 100th birthday.

HR 28 was adopted without objection.

HR 88 - ADOPTED
(by Yarbrough)

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 88**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 88, Congratulating Corey St. Lawrence on achieving the rank of Eagle Scout.

HR 88 was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Goodman, who introduced Congresswoman Kay Granger.

HR 8 - ADOPTED
(by J. Jones, Y. Davis, Giddings, and Hodge)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 8**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 8, Honoring the Reverend Dr. Caesar A. W. Clark as he receives the distinction of having C. A. W. Clark Plaza in Dallas named in his honor.

HR 8 was read and was adopted without objection.

HR 92 - ADOPTED
(by Mowery)

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 92**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 92, Congratulating Representative Dianne White Delisi on being named chair of the Women In Government Board of Directors.

HR 92 was read and was adopted without objection.

On motion of Representative McCall, the names of all the members of the house were added to **HR 92** as signers thereof.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(George now present)

(Kolkhorst in the chair)

(Speaker in the chair)

ADJOURNMENT

Representative Wolens moved that the house adjourn until 10 a.m. tomorrow in memory of Beatrice "Bea" Craddick, mother of Representative Craddick.

The motion prevailed without objection.

The house accordingly, at 10:55 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 51 (By Chavez), Relating to tuition and fee exemptions for the children of certain professional instructional employees enrolled at a public institution of higher education.

To Higher Education.

HB 52 (By Oliveira and Pickett), Relating to the financing and construction of highways by the Texas Department of Transportation.

To Transportation.

HB 53 (By Puente), Relating to requiring as a condition of release of a child by the Texas Youth Commission that the child obtain a mandatory educational skill level.

To Corrections.

HB 54 (By Puente), Relating to disclosure of information by a newsperson.

To State Affairs.

HB 55 (By Chavez), Relating to the right of an employee to take time off from work to participate in certain activities of the employee's child.

To Economic Development.

HB 56 (By Puente), Relating to the penalty for speeding in a school zone.

To Transportation.

HB 57 (By Oliveira), Relating to exempting the purchase of certain school supplies, school books, and other school materials from the sales tax.

To Ways & Means.

HB 58 (By Hinojosa), Relating to the punishment for an offense for which a person's criminal responsibility is based on the conduct of another person who is nonresponsible due to age.

To Criminal Jurisprudence.

HB 59 (By Puente), Relating to making a voter information guide for judicial elections available to the public on the Internet.

To Judicial Affairs.

HB 60 (By Clark), Relating to the punishment for theft committed against elderly individuals.

To Criminal Jurisprudence.

HB 61 (By Clark), Relating to the settlement of certain civil actions.

To Civil Practices.

HB 62 (By Wolens), Relating to the authority of a judge of a district or county court to try a civil case at an institution of higher education.

To Judicial Affairs.

HB 63 (By Wolens), Relating to the suspension of a person's driver's license following the person's arrest for certain intoxication offenses.

To Criminal Jurisprudence.

HB 64 (By Wolens), Relating to financial disclosure by certain municipal officers; providing penalties.

To State Affairs.

HB 65 (By Pitts), Relating to the assignment of the judge of the 378th District Court as a visiting judge.

To Judicial Affairs.

HB 66 (By Pitts), Relating to the regulation of certain water well drillers.

To Natural Resources.

HB 67 (By Pitts), Relating to the repeal of certain notification requirements for talent agency certificates of registration.

To Licensing & Administrative Procedures.

HB 68 (By Pitts), Relating to the procedure applicable to a complaint against a personnel service or career counselor.

To Licensing & Administrative Procedures.

HB 69 (By Pitts), Relating to certain disciplinary procedures regarding auctioneers.

To Licensing & Administrative Procedures.

HB 70 (By Pitts), Relating to enforcement of certain safety requirements regarding elevators, escalators, and related equipment.

To Licensing & Administrative Procedures.

HB 71 (By Pitts), Relating to the regulation of certain water well pump installers.

To Natural Resources.

HB 72 (By Pitts), Relating to denial of a staff leasing services company license.

To Licensing & Administrative Procedures.

HB 73 (By Garcia, et al.), Relating to the creation of an offense prohibiting the covert photography or visual recording of another for an improper sexual purpose.

To Criminal Jurisprudence.

HB 74 (By Garcia), Relating to the right of a subpoenaed witness to reinstatement of employment; providing a penalty.

To Business & Industry.

HB 75 (By Garcia), Relating to public school campus report cards.

To Public Education.

HB 76 (By Garcia), Relating to family and medical leave for certain employees; providing a civil penalty.

To Economic Development.

HB 77 (By Gallego), Relating to discovery in a criminal case.

To Criminal Jurisprudence.

HB 78 (By Gallego), Relating to the assignment of the judge of the 394th District Court as a visiting judge.

To Judicial Affairs.

HB 79 (By Gallego), Relating to computation of the number of educationally disadvantaged students in certain public school districts.

To Public Education.

HB 80 (By Gallego), Relating to immunity applicable to certain persons acting under the Texas Anatomical Gift Act.

To Public Health.

HB 81 (By Gallego), Relating to the labeling of consumer goods produced through the use of child labor; providing a criminal penalty.

To State Affairs.

HB 82 (By Gallego), Relating to an exemption from sales and use taxes for certain taxable items sold by a qualified student organization affiliated with an institution of higher education.

To Ways & Means.

HB 83 (By Gallego), Relating to the disposition of property of the Big Bend Regional Hospital District.

To County Affairs.

HB 84 (By Gallego), Relating to the offense of the unlawful possession of metal or body armor by a felon.

To Criminal Jurisprudence.

HB 85 (By Gallego), Relating to the location of a disposal facility selected by the Texas Low-Level Radioactive Waste Disposal Authority.

To Environmental Regulation.

HB 86 (By P. King), Relating to character education programs in public schools.

To Public Education.

HB 87 (By P. King), Relating to a franchise tax credit for expenditures made toward the cost of transportation provided to certain welfare recipients.

To Ways & Means.

HB 88 (By P. King), Relating to recitation of the pledge of allegiance by public school students.

To Public Education.

HB 89 (By Hill, et al.), Relating to possessing or consuming an alcoholic beverage in a motor vehicle.

To Criminal Jurisprudence.

HB 90 (By Hill, et al.), Relating to the civil and criminal consequences of operating a motor vehicle while intoxicated.

To Criminal Jurisprudence.

HB 91 (By Hill, et al.), Relating to possessing or consuming an alcoholic beverage in a motor vehicle and to the civil and criminal consequences of operating a motor vehicle while intoxicated.

To Criminal Jurisprudence.

HB 92 (By Telford), Relating to the composition of the Bowie County Juvenile Board.

To Juvenile Justice & Family Issues.

HB 93 (By Maxey), Relating to the regulation of certain automated systems used to dispense prescription drugs.

To Public Health.

HB 94 (By Maxey), Relating to certain workplace posting requirements regarding the payment of wages to tipped employees; providing an administrative penalty.

To Economic Development.

HB 95 (By Maxey), Relating to the enforcement of certain wage claims.

To Economic Development.

HB 96 (By Maxey), Relating to the payment of wages and gratuities to certain employees; providing penalties.

To Economic Development.

HB 97 (By Maxey), Relating to the wages paid to certain tipped employees.

To Economic Development.

HB 98 (By Maxey), Relating to the provision of Medicaid to certain persons making the transition from foster care to independent living.

To Public Health.

HB 99 (By Maxey), Relating to the sale and delivery of drugs by electronic media including the Internet.

To Public Health.

HB 100 (By Maxey), Relating to the regulation of certain health care activities using the Internet.
To Public Health.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 2

HCR 1

APPENDIX

SENT TO THE GOVERNOR

January 22 - HCR 76